

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julia Pagnamenta	Team: Squad #2	CCRB Case #: 202003939	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/04/2020 1:20 AM	Location of Incident: Broadway Bridge (West 220th Street and Broadway)	Precinct: 34	18 Mo. SOL 12/4/2021	EO SOL 5/4/2022	
Date/Time CV Reported Thu, 06/04/2020 3:19 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 06/04/2020 3:19 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Ronald Capursi	07276	941497	034 PCT
2. DI Peter Andrea	00000	915231	034 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Camille Bramwell	20098	958326	034 PCT
2. POF Catherine Coyle	18738	958445	034 PCT
3. POM Biao Jiang	08693	963582	034 PCT
4. LT Saul Jeune	00000	936817	034 PCT
5. SGT Alberto Minier	03733	955199	034 PCT

Officer(s)	Allegation	Investigator Recommendation
A. DI Peter Andrea	Abuse: Deputy Inspector Peter Andrea questioned § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On June 4th, 2020, § 87(2)(b) filed this complaint via the CCRB's Call Processing System.

At approximately 1:20 a.m. on June 4th, 2020, on the Manhattan side of the Broadway Bridge at West 220th Street and Broadway, § 87(2)(b) was driving home from work in his vehicle, when he stopped at a police checkpoint established by Deputy Inspector Peter Andrea of the 34th Precinct. § 87(2)(b) showed Police Officer Catherine Coyle of the 34th Precinct his work identification from § 87(2)(b) and told her he needed to go home. Police Officer Coyle asked § 87(2)(b) where he was going, and § 87(2)(b) told her he lived at § 87(2)(b) in Manhattan (**Allegation A - Abuse of Authority: Question - § 87(2)(g)**). Police Officer Coyle told § 87(2)(b) he could not come through. § 87(2)(b) then drove approximately three feet south and encountered Police Officer Ronald Capursi of the 34th Precinct, who was standing in the middle of the street on Broadway. Police Officer Capursi requested § 87(2)(b)'s identification and § 87(2)(b) showed Police Officer Capursi his § 87(2)(b) and driver's license (**within Allegation A**). Police Officer Capursi told § 87(2)(b) he could not let him through and to make a U-Turn. § 87(2)(b) then asked Police Officer Capursi for his shield number and Police Officer Capursi provided it. § 87(4-b), § 87(2)(g)

§ 87(2)(b) was not arrested or summonsed.

The investigation obtained video footage from § 87(2)(b) that captured the entirety of the incident and is attached in IA #16 (**Board Reviews 01**) and summarized in IA #20 (**Board Review 02**). The CCRB received no BWC footage for this incident and the nature of the incident did not require the use of BWC as per Patrol Guide Procedure 212-123 (**Board Review 03**). § 87(2)(b)'s interaction with officers during this incident was mentioned in a print article published on § 87(2)(b) (**Board Review 04**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Deputy Inspector Peter Andrea questioned § 87(2)(b).

§ 87(2)(b) was interviewed by phone on June 11th, 2020 (**Board Review 05**). Police Officer Ronald Capursi was interviewed remotely on January 11th, 2021 (**Board Review 06**).

The following facts are undisputed: At approximately 1:20 a.m., on June 4th, 2020, § 87(2)(b) tried to enter on the Manhattan side of the Broadway Bridge on West 220th Street and Broadway but was prevented from doing so by a police checkpoint at the location and verbally interacted with Police Officer Coyle and Police Officer Capursi of the 34th Precinct.

§ 87(2)(b) stated that the checkpoint was composed of approximately two traffic cones and one or two police vehicles off to the side, and that his vehicle was stopped by Police Officer Coyle on the west side of the street on Broadway. § 87(2)(b) showed Police Officer Coyle his § 87(2)(b) identification and told her he needed to go home from work. Police Officer Coyle asked § 87(2)(b) where he was going, and § 87(2)(b) provided his address verbally and told her he lived at § 87(2)(b). Police Officer Coyle told § 87(2)(b) that he could not enter, and that he would have to go onto Interstate I-87. § 87(2)(b) then drove approximately three feet south and encountered Police Officer Capursi in the middle of the street on Broadway. Police Officer Capursi walked over to § 87(2)(b)'s vehicle and § 87(2)(b) showed him his § 87(2)(b) identification and his driver's license and told him he lived at § 87(2)(b).

§ 87(2)(b) Police Officer Capursi told § 87(2)(b) he could not come through and had to make a U-Turn.

Police Officer Capursi stated that the checkpoint's purpose had been to secure the confines of the 34th Precinct and to prevent individuals who might cause "mischief" from entering the area. The checkpoint was initiated by the Precinct's Commanding Officer, Deputy Inspector Peter Andrea of the 34th Precinct, on June 3rd, 2020, after receiving intelligence about individuals coming into the neighborhood to "riot" and bring "unrest." Police Officer Capursi explained there had been prior incidents of "vandalism" and "assault" in other parts of Manhattan during that period. The checkpoint was in effect from June 3rd to June 4th, 2020, and was supervised by Deputy Inspector Andrea. The four officers who were charged with monitoring the checkpoint at the time of this incident—Police Officer Camille Bramwell, Police Officer Biao Jiang, Police Officer Coyle, and himself—had been instructed to stop every vehicle, and that no drivers were allowed to enter except for those who provided proof that they were residents of the area or worked in the area. If the officers determined that the vehicle did not qualify to enter, the driver was instructed to turn around.

The video footage obtained from § 87(2)(b) captured his entire interaction at the checkpoint with Police Officer Capursi and Police Officer Coyle (**Board Review 01**) and is consistent with § 87(2)(b) and Police Officer Capursi's statements. At runtime 04:12 in the footage, Police Officer Capursi is heard asking § 87(2)(b) for his ID. (In his CCRB interview, Police Officer Capursi stated he had asked § 87(2)(b) for his ID to determine whether he was a resident or an essential worker who worked in the area beyond the checkpoint). At 04:38, after Police Officer Capursi asks § 87(2)(b) if he has an ID with his address on it, § 87(2)(b) provides an ID with an "old address" at "§ 87(2)(b)" in Harlem and tells Police Officer Capursi that he recently moved to § 87(2)(b). Police Officer Capursi tells § 87(2)(b) "It's far away," and asks him when he moved to "§ 87(2)(b)." § 87(2)(b) replies, "This year," and Police Officer Capursi tells him he cannot pass through. (In the CCRB interview, Police Officer Capursi stated that he would have allowed § 87(2)(b) to enter the checkpoint had his ID reflected his address at § 87(2)(b), as § 87(2)(b) was within the confines of the 34th Precinct).

Patrol Guide Procedure 212-11 states that a request for information (Level 1 Encounter) is an encounter between an officer and a civilian conducted for the purpose of requesting information from the civilian. The officer must have an objective credible reason to approach the civilian. The objective must be to gather information and not to focus on the person as a potential suspect. The officer may seek information related to the reasons the person was approached, such as name, address, and destination, if those questions are related to the objective credible reason for the approach. It defines objective credible reason as a reason based on more than a hunch or a whim. The reason to gather information may relate to a public safety function or a law enforcement function but need not be based on any indication of criminality (**Board Review 07**).

Patrol Guide Procedure 213-05 states that when addressing an "unusual disorder" officers can be assigned to "perimeter check point posts" at certain roadways to "detour traffic around the disorder area, identify alternate routes for detoured traffic, prevent unauthorized entry into the disorder area [and] prevent disorderly groups from entering or exiting [the] disorder area" (**Board Review 08**).

Emergency Executive Order No.119 issued by The City of New York's Office of the Mayor on June 2nd, 2020, indicates that Mayor de Blasio had declared a state of emergency within the City, citing, among other reasons, demonstration activities that had escalated to include actions of assault, vandalism, property damage, and/or looting, resulting in a City-wide curfew that was in effect each day from 8:00 p.m. until 5:00 a.m., beginning at 8:00 p.m. on June 3rd, 2020 and ending

at 5:00 a.m. on June 8th, 2020. During this time, no persons or vehicles may be in public between the hours of 8:00 p.m. and 5:00 a.m. (**Board Review 10**).

§ 87(2)(g) [REDACTED]

§ 87(4-b), § 87(2)(g) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party (**Board Review 12**).
- Deputy Inspector Peter Andrea has been a member-of-service for 25 years and has been a subject in one other CCRB complaint and one other allegation, which was substantiated.
 - Case #201905911 involved a substantiated allegation of discourtesy (word). The Board recommended Command Discipline A. The NYPD has yet to render a discipline.
 - § 87(2)(g) [REDACTED]
- Police Officer Ronald Capursi has been a member-of-service for 14 years and has been a subject in six other CCRB complaints and eight other allegations, none of which were substantiated.
 - § 87(2)(g), § 87(4-b) [REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- According to the New York City Office of the Comptroller, no Notice of Claim had been filed regarding this incident as of January 19th, 2021 (**Board Review 13**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**Board Review 14**).

Squad No.: 2

Investigator: Julia Pagnamenta Inv. Julia Pagnamenta 02/02/2021
Signature Print Title & Name Date

Squad Leader: Alexander Opoku-Agyemang IM Alexander Opoku-Agyemang 2/3/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date